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07/986,636

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/986,636 12/07/92 CASARA

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SHIPPEN, M EXAMINER

12W2/0614

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ART UNIT PAPER NUMBER

1204

DATE MAILED:  
06/14/93

This is a communication from the examiner in charge of your application,  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☐ Responsive to communication filed on for restriction. ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4 are pending in the application.  
Of the above, claims 1-4 are withdrawn from consideration.
2. ☐ Claims 1-4 have been cancelled.
3. ☐ Claims 1-4 are allowed.
4. ☐ Claims 1-4 are rejected.
5. ☐ Claims 1-4 are objected to.
6. ☒ Claims 1-4 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on 1-4. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on 1-4, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed 1-4, has been: ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received; ☐ not been received.  
☐ been filed in parent application, serial no. 1-4; filed on 1-4.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

**Art Unit 1204**

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claim 1, drawn to processes, classified in Class 562, subclass 574.

II. Claim 2, drawn to compounds, classified in Class 560, subclass 205.

III. Claim 3, drawn to compounds, classified in Class 558, subclass 6.

IV. Claim 4, drawn to compounds, classified in Class 560, subclass 172.

The inventions are distinct, each from the other because of the following reasons:

Inventions I,II,III and IV are related as process of making and product made since the compounds recited are intermediates prepared in the process. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case the compounds could be prepared by other process. The Group II compound could be prepared by reacting ethyl 6-hydroxy-4-hexenoate with a formylating agent. The Group II compound could prepared by

**Art Unit 1204**

ethyl 6-hydroxy-4-hexenoate with an appropriate imidic acid halide. The Group III compound could be prepared by reacting ethyl 4-amino-5-hexenoate with an appropriate trichloroacetyl derivative.


Groups II, III and IV are independent and distinct since each group reads on structurally distinct compounds.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their separate classification restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael L. Shippen whose telephone number is (703) 308-4635. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1235.

MShippen  
June 8, 1993

  
**MICHAEL L. SHIPPEN**  
**PRIMARY EXAMINER**  
**ART UNIT 1204**